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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,205	07/14/2003	Masatoshi Masuda	SCCO.009AUS	6375

20995 7590 01/31/2007  
KNOBBE MARTENS OLSON & BEAR LLP  
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IRVINE, CA 92614

EXAMINER
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HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/31/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/31/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,205	<b>Applicant(s)</b> MASUDA, MASATOSHI	
	<b>Examiner</b> James F. Hook	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-13, and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The amendment filed November 6, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the term "umbrella" does not appear in the disclosure as originally filed and the shape shown in the figure is not clearly an umbrella shape especially when it is not clear what one would mean by umbrella shaped.

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no antecedent basis for the term "umbrella" in the originally filed specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 3754

Claims 1, 2, 6-13, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "umbrella" does not appear in the specification as originally filed and such is not clearly ascertainable by the shape shown in the drawings, and as set forth above such is considered new matter to the disclosure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11-13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartzman (668) in view of Schwartzman (365). The reference to Schwartzman 668 discloses the recited valve mechanism comprising a valve seat portion near 30, having an opening through which fluid flows, a valve portion comprising a valve body 36 having a shape corresponding to the opening, a shaft 38, a valve support portion comprising a bottom plate 40, an annular support 42 fixedly attached to the valve seat via portion 26, at least three connectors 44 in the form of flexions connecting the bottom plate and the annular support urging the bottom plate downward

Art Unit: 3754

to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such are disposed at an angle to the portions they are connected to, and where such is provided on a container 10. The reference to Schwartzman 668 discloses all of the recited structure with the exception of shaping the valve body of an umbrella shape. The reference to Schwartzman (365) discloses the same type of valve as the 668 reference where valve body can be formed with a domed umbrella shaped top as seen in figure 2 to replace other angular shaped bodies. It would have been obvious to one skilled in the art to modify Schwartzman 668 by changing the shape of the body to be umbrella shaped as suggested by Schwartzman 365 where such is an alternative shape used depending upon the material to be dispensed, where such would allow for additional uses of the device thereby increasing it's usefulness and value.

Claims 1, 2, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Laforcade in view of Schwartzman (365). The reference to De Laforcade discloses the recited valve mechanism comprising a valve seat portion near 22, having an opening through which fluid flows, a valve portion comprising a valve body 7 having a shape corresponding to the opening, a shaft 27, a valve support portion comprising a bottom plate 26, an annular support 17 fixedly attached to the valve seat, at least three connectors 25 in the form of flexions connecting the bottom plate and the annular support urging the bottom plate downward to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such is provided on a container 100. The reference to De

Art Unit: 3754

Laforcade discloses all of the recited structure with the exception of shaping the valve body of an umbrella shape. The reference to Schwartzman (365) discloses the same type of valve as the De Laforcade reference where valve body can be formed with a domed umbrella shaped top as seen in figure 2 to replace other angular shaped bodies. It would have been obvious to one skilled in the art to modify De Laforcade by changing the shape of the body to be umbrella shaped as suggested by Schwartzman 365 where such is an alternative shape used depending upon the material to be dispensed, where such would allow for additional uses of the device thereby increasing it's usefulness and value.

Claims 1, 2, 6-13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartzman (162) in view of Schwartzman (365). The reference to Schwartzman 162 discloses the recited valve mechanism comprising a valve seat portion near 22, having an opening through which fluid flows, a valve portion comprising a valve body 33 having a shape corresponding to the opening, a shaft 34, a valve support portion comprising a bottom plate 36, an annular support 42 fixedly attached to the valve seat, at least three connectors 38 in the form of flexions connecting the bottom plate and the annular support at an angle urging the bottom plate downward to close the opening and the bottom plate moves upward on bending of the connectors to push the valve to the open position, where such is provided on a container 10, a guide portion is formed by multiple ribs 23 at the opening for discharging fluid and guiding the shaft and extends to the valve seat. The reference to Schwartzman 162 discloses all of the recited structure with the exception of shaping the valve body of an umbrella shape.

Art Unit: 3754

The reference to Schwartzman (365) discloses the same type of valve as the 162 reference where valve body can be formed with a domed umbrella shaped top as seen in figure 2 to replace other angular shaped bodies. It would have been obvious to one skilled in the art to modify Schwartzman 162 by changing the shape of the body to be umbrella shaped as suggested by Schwartzman 365 where such is an alternative shape used depending upon the material to be dispensed, where such would allow for additional uses of the device thereby increasing it's usefulness and value.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 6-13, and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Schwartzman (650), Boelkins, and Sarajian disclosing state of the art dispensing valves.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3754

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

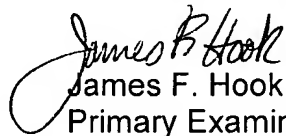
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH